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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,205	07/21/2003	Bibian J. Rendon	T9925	7049
20451	7590	08/13/2004	EXAMINER	
GRANT R CLAYTON CLAYTON HOWARTH & CANNON, PC P O BOX 1909 SANDY, UT 84091-1909			DAVIS, CASSANDRA HOPE	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/624,205	RENDON, BIBIAN J.	
	Examiner	Art Unit	
	Cassandra Davis	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8-13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8-13, 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

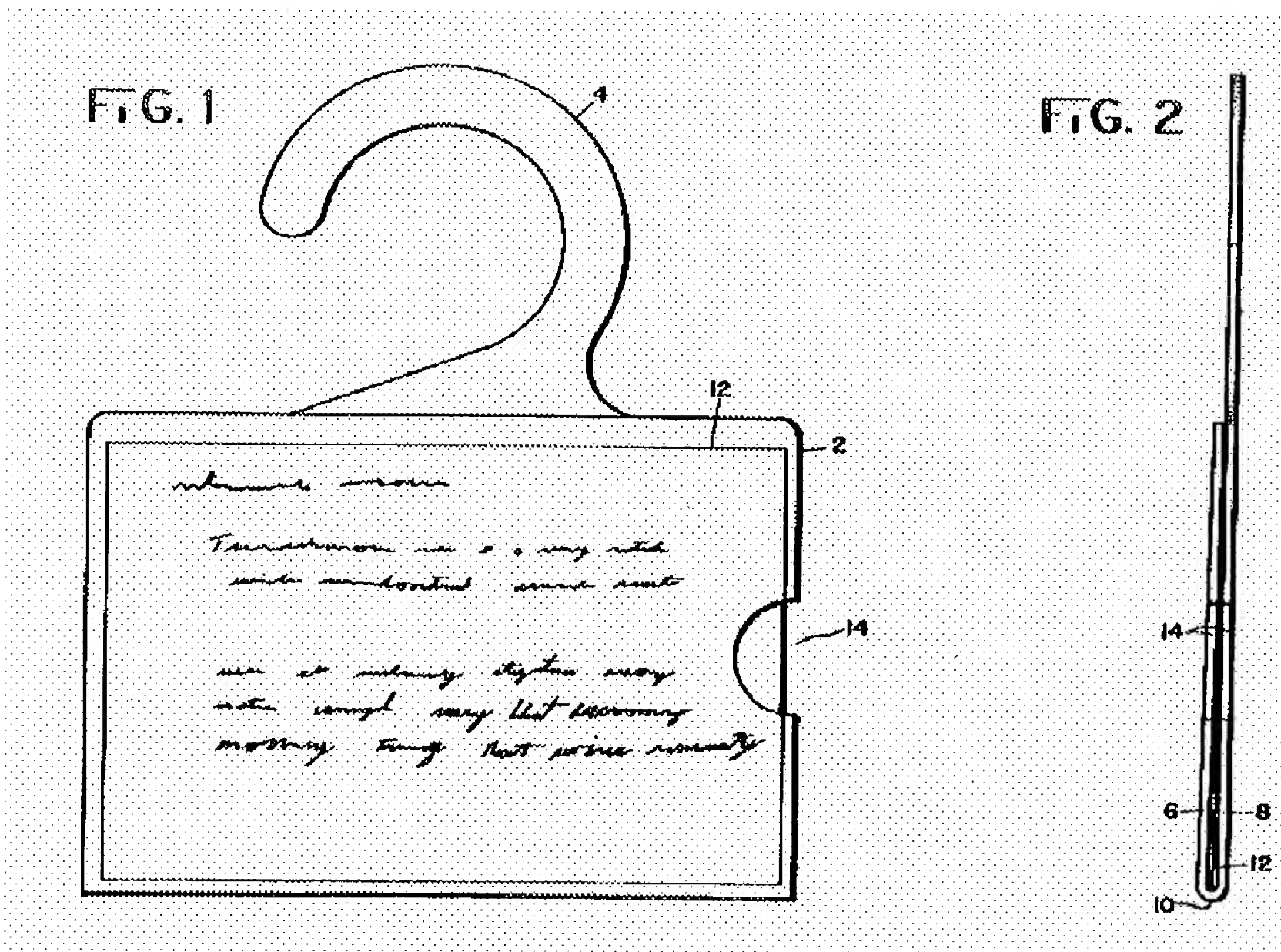
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by McKee, U. S. Patent 4,240,543.

With respect to claims 1, 11, 17, and 20, McKee teaches a transparent document display device for supporting a document on a comprising a hook 4 configured to receive the support and a pocket connected to the hook. The pocket is configured for a receiving a document 12 and comprises a first planar rear wall 8 and a second planar front wall 6. Both of the wall extend laterally between a first left edge and a second right edge. (See figure 2). The first planar rear wall also extends further in an upwards direction than the second planar front wall. (See figure 2). The front and rear walls are connected along the bottom fold 10, wherein the rear wall 8 is coplanar with the hook 4.

The first planar rear wall has a first portion comprising the difference in length between the first planar wall and the second planar wall. The first portion extends laterally between the first outermost edge and the second outermost edge and the hook is formed of a rigid material such that the display is supported in the pocket without deforming the hook. (Column 2, line 39).



With respect to claim 2, McKee teaches the document display device is formed of a one-piece unitary construction. (Column 2, lines 7-10).

With respect to claim 3, 12, McKee teaches the device is constructed of a rigid plastic material. (Column 2, lines 10-13 and line 39).

With respect to claim 5, McKee teaches the first planar rear wall and the second planar front wall are connected together through a single fold. (Column 2, lines 7-10 and figure 2).

With respect to claim 6 and 13, McKee teaches the first planar rear wall is formed co-planar with the hook 4 and the second planar front wall is substantially parallel with the first planar front wall. (Column 2, lines 16-18 and figure 2).

With respect to claim 8, McKee teaches the first planar rear wall is separable from the second planar front wall along length of the second planar wall away from the fold and the first planar wall and the second planar wall are biased toward each other to hold the display in position there between. (Column 2, lines 35-43).

With respect to claim 9, McKee teaches the device is formed of a transparent material. (Column 2, lines 10-13)

With respect to claim 10, 15, and 21, McKee teaches the hook is formed as an open loop. (Column 2, lines 16-25 and figure 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKee in view of Karlyn, U. S. Patent 3,553,864.

With respect to claim 16, Karlyn teaches a transparent map holder comprising a front 12 and second 14 panel folded at hinge 16. The hinge is constructed so as to the bias the front and back panels towards each other, wherein the biasing force provided by the hinge will retain the map in position between the front and rear panels. (Column 2, lines 40-52).

5. With respect to claim 17-19, McKee teaches the front and rear plates are formed contiguously to provide a bottom support 10 for a document 12 inserted between the

sheets. (column 2, lines 7-10). Figure 2 of McKee clearly shows the bottom support 10 is in the form of a fold. Karlyn also teaches a method of making a transparent holder comprising a selecting a sheet of transparent thermoplastic material (Column 3, lines 4-5) and folding the sheet over a rod 38 to the condition shown in figure 6. (Column 4, lines 9-11). Since McKee clearly teaches the holder comprising a front and rear sheet folded along one edge, it would have been obvious to one having ordinary skill in the art at the time this invention was made to fold the front and rear wall of the holder taught by McKee by the method taught by Karlyn to provide a one piece transparent holder having the front and rear wall bias towards one another to hold a planar sheet there-between using compressive force.

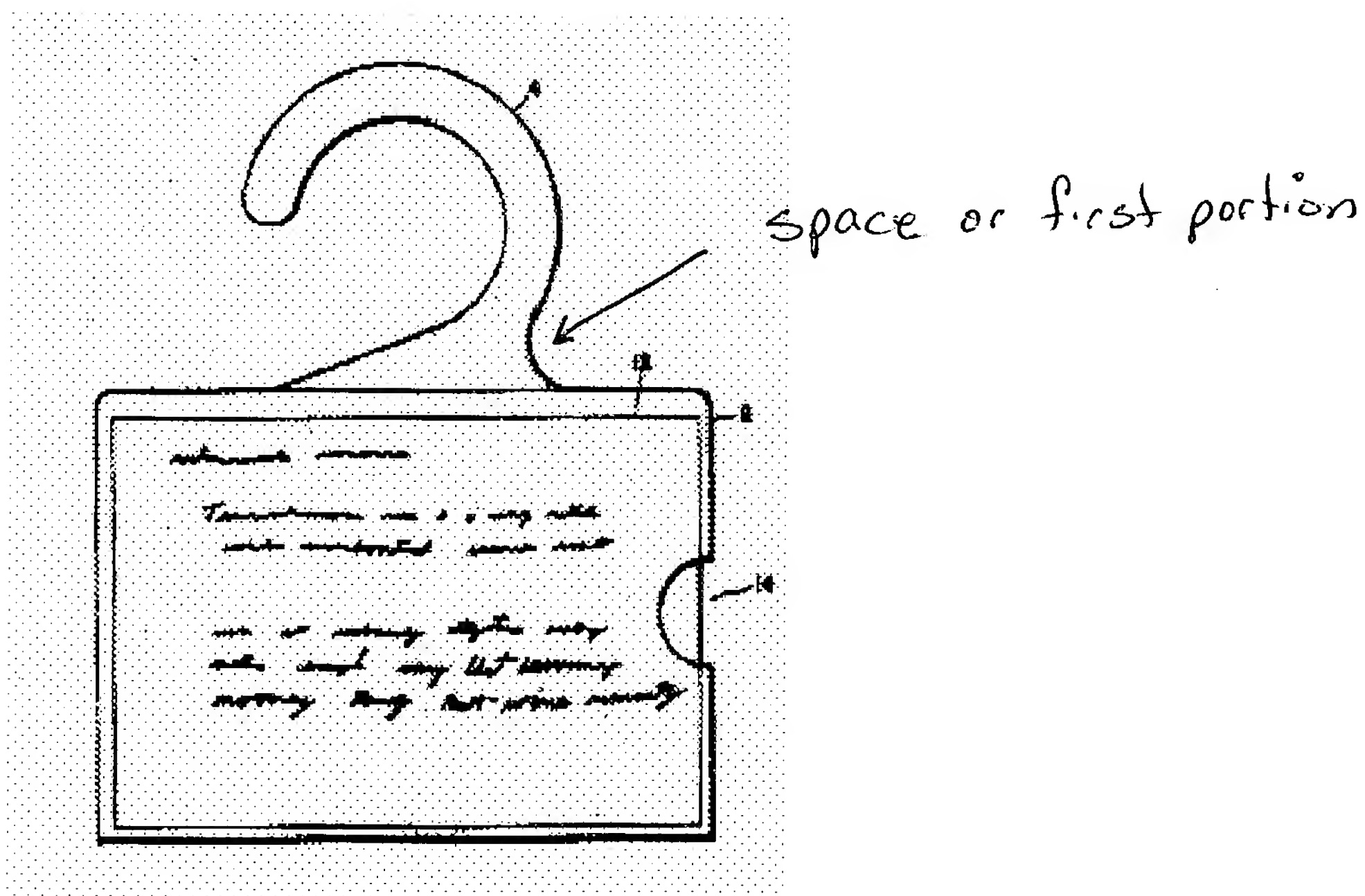
6. Claims 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKee. Since the applicant does not disclose that the first edge being in a near vertical position and the second edge being in a near horizontal position when hung from a support solves any stated problem or is for any particular purpose, it appears that construct the holder as taught by McKee would perform equally well in holding a planar document.

7. With respect to claim 22-28, since the applicant does not disclose that the claimed dimensions solves any stated problem or is for any particular purpose, it appears that constructing the transparent document holder taught by of any suitable dimension as taught by McKee would perform equally well in displaying a planar sheet.

Response to Arguments

8. Applicant's arguments filed July 6, 2004 have been fully considered but they are not persuasive. The applicant argues that McKee does not teach a space or first portion facilitating the removal, replacement, and support of a document. The applicant recites that this space is formed in the upper portion of the permit holder by a difference in length between the first planar wall and the second planar wall.

9. The examiner maintains that McKee clearly teaches a portion of the rear wall extending above the front top edge of the front wall as clearly seen in Figure 2 of McKee.



10. The examiner also contends that this space defines the difference in height between the front and rear walls.

Conclusion


11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
August 10, 2004